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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,977	09/30/1998	JU-HA PARK	1293.1053	6115

21171 7590 06/16/2010
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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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06/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 19, 2010 have been fully considered but they are not persuasive.

In re page 9, applicant argues, with respect to claim 39, that Tsinberg et al fails to disclose "simultaneously with the acquiring of the program guide information, displaying a program list including program guide information of channels obtained by the tuner before the program guide command is applied, in response to the program guide command".

In response, the examiner respectfully disagrees. Tsinberg et al discloses in col. 6, lines 21-26 that "At the conclusion of this process, CPU 6 will have gathered EPG information from all the digital channels. It combines this information so that, upon request of the viewer, the entire EPG can be displayed using graphics overlay 7". From the above passage, it is clear that the user can display EPG information at any time including the time at acquiring the program guide information. Thus, Tsinberg et al does indeed disclose the claimed "simultaneously with the acquiring of the program guide information, displaying a program list including program guide information of channels obtained by the tuner before the program guide command is applied, in response to the program guide command" because the user can display the EPG at any time.

In re page 10, applicant argues, with respect to claim 3, that Cuccia fails to at least disclose "wherein the program guide information is acquired according to a prioritized or preferential channel search...".

In response, the examiner respectfully disagrees. Cuccia discloses in col. 4, lines 10-35 that "It is an achievement of the invention that the micro processor 118 further serves as controlling means for controlling the tuner 103 autonomously and as second signal processing means for extracting and processing SI from a selected transport stream. The micro processor 118 is conceived to control the tuner 103 in such a way that the tuner 103 successively selects all received transport streams. For each transport stream selected this way, the micro processor 118 checks whether the SI of the transport stream comprises EPG information, and if so, incorporates it in a compound EPG which is stored in the storage means 120. When the tuner 103 is not used, i.e. the TV-set is in stand-by mode or the signal processor 104 is occupied with processing signals from the signal inputs 117, the tuner 103 is free to scan the signals for the EPG information. The scanning process can be initiated by the user or started automatically, e.g. when the EPG information should be updated. To that end the micro processor 118 first checks whether the tuner 103 is available for the scanning process. Generally the micro processor of a digital TV-receiver is involved in controlling the receiver, so it is known per se that the micro processor 118 is able to maintain a state description of the receiver and deduce whether the tuner 103 is involved in supplying information to the signal processor 104 for presenting it on the screen 108 or using in another way, e.g. recording on a video recorder". From the above passage, it is clear that the program guide information of Cuccia is acquired according to a prioritized or preferential channel search...."

In re pages 10-11, applicant argues, with respect to claim 4, that the combination of Cuccia and Tsinberg et al fails to disclose the invention as recited in claim 4 because "Office Notice" without documentary evidence to support an examiner's conclusion.

In response, it is noted that the capability of providing a message indicating that the user must wait until the program list is written is old and well-known in the art. Anderson (US 2003/0090585 A1) is provided herein for the old and well known message (see page 1, paragraph #0003).

In re page 11, applicant argues, with respect to claim 7, that the combination of Cuccia and Tsinberg et al do not teach or suggest the claimed "said acquiring the program guide information comprises determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed".

In response, the examiner respectfully disagrees. The claimed "said acquiring the program guide information comprises determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed" is met by the scanning of EPG disclosed in col. 4, lines 10-35 of Cuccia.

In re pages 11-12, applicant argues, with respect to claim 8, that the combination Cuccia and Tsinberg et al does not teach or suggest the claimed limitation "determining the order of priority of channels having the same proximity to the channel tuned before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed".

In response, the examiner respectfully disagrees. The scanning of EPG of Cuccia disclosed in col. 4, lines 10-35 including the claimed up/down command.

In re page 12, applicant argues, with respect to claim 9, that the combination of Cuccia and Tsinberg et al do not teach or suggest the claimed “wherein an upward or downward direction is preferential when no channel up/down command is executed”.

In response, the examiner respectfully disagrees. The scanning of EPG of Cuccia disclosed in col. 4, lines 10-35 including the claimed “wherein an upward or downward direction is preferential when no channel up/down command is executed”.

In re page 12, applicant argues, with respect to claim 10, that none of cited references teach or suggest "searching channels upward or downward from the channel tuned".

In response, the examiner respectfully disagrees. The scanning of EPG of Cuccia disclosed in col. 4, lines 10-35 includes the claimed “searching channels upward or downward from the channel tuned”.

In re page 12, applicant states that claims 11 and 24 are patentable due at least to their depending from claims 1 and 19, respectively.

In response, as discussed in claims 1 and 19 above, the cited references disclose all the claimed limitations.

In re page 12, applicant argues, with respect to claim 16, the combination of Cuccia and Tsinberg et al does not teach or suggest the claimed “searching channels upward or downward from the currently tunes in channel before the program guide command is executed”.

In response, the examiner respectfully disagrees. The scanning of EPG of Cuccia disclosed in col. 4, lines 10-35 including the claimed "searching channels upward or downward from the currently tunes in channel before the program guide command is executed".

In re page 12, applicant states that claim 17 is patentable due at least to its depending from claim 12.

In response, as discussed in claim 12 above, the cited references disclose all the claimed limitations.

In re page 13, applicant argues, with respect to claims 18 and 25, that Mugura et al fails to disclose the claimed "displaying a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored".

In response, the examiner respectfully disagrees. Mugura et al discloses in col. 2, lines 20-39 that "A method and apparatusThe status also includes whether a broadcast a broadcast system timer has been set to tune to a particular channel program at a designated time, whether a channel program has been set for recording, ...within electronic menus". The status "whether a channel program has been set for recording" of Mugura et al anticipates the claimed "displaying a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored". Thus, the combination of references does indeed disclose all the claimed limitations.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 9:00 AM - 6:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 7, 2010

/Trang U. Tran/
Primary Examiner, Art Unit 2622